{See Note at end.}

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CRIMINALS AND PRISON DISCIPLINE.

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The subject chosen for this number of the Church-Door Pulpit, though perhaps somewhat aside from the regular line of pulpit topics, is practically of great and growing importance. The reforms, moreover, which are called for in the discussion, and which the writer believes to be imperatively demanded, can have no hope of success until many persons become so familiar with them, and so assured of their necessity, that our various state legislatures will be forced to enact the laws requisite for their effectual carrying out. The subject is earnestly commended, therefore, without further preface, to the serious consideration of the readers of the Church-Door Pulpit.

The prisoner, in this country, does not lack for sympathy. The disposition to pity, and to help him if possible, is almost universal. Poets have undesignedly added a somewhat unhealthy tinge to this feeling by making him the hero of verses in which he is too frequently presented as the victim of misfortune and oppression. We scarcely need to have our sympathies intensified by any addition to the normal facts. The conception of a man doomed to spend many years behind the prison's iron bars is of itself disagreeable enough and pitiable enough to counteract any inclination toward harsh dealing. On the contrary, in many persons the natural disposition to sympathize is perverted into a desire to pet and coddle the criminal. A sickly sentimentality takes the place of a genuine sympathy, as is witnessed by the flowers and delicacies sometimes showered upon condemned and hardened murderers, or illustrated by the address of a lady to a group of convicts, "If I had my way I would open the doors and set every one of you free." That these things indicate feelings which have become morbid and mischievous, and which give rise to opinions and expressions which hinder true reform, is a statement which needs no proof.

Some years ago a wave of philanthropic sentiment regarding the criminal swept over the whole of the northern United States. Everywhere it was discovered that our state prisons were an abomination, and our county jails were something worse. "We must reform all this", was the cry. "Let us treat the prisoner as an unfortunate but reasoning human being, and not as a brute! Let us be kinder to him! Let us improve his surroundings!" And much work was done forthwith. Some ancient prisons were rebuilt, or at least altered for the better outside as well as inside. In the former respect, indeed, some old prisons, as well as most new ones,

may now justly make considerable pretensions to architectural excellence. At about the same time, also, gas-lights were put into the prison cells, and they were warmed and ventilated. Good drainage was insisted upon. The food of criminals was inspected and bettered. Comfortable hospitals were established for the sick. Holidays also were demanded, with the accompaniments of games, roast turkey and plum-pudding for Thanksgiving, and baked goose with cranberry sauce for Christmas. Libraries were founded and are still maintained; and the criminals received, and often still receive, the benefits of lecture courses and musical entertainments, as well as religious tracts, preaching and Sunday-schools. One much-praised philanthropist, at the time of this ameliorative wave, asserted, amid applause, that he would not be satisfied until all prisoners who wished for it had the privilege of a pianoforte in each cell.

Our criminals to-day are generally well treated; and some of our prisons are fairly comfortable hotels, in which many a criminal lives in more sumptuous style at any rate than he has ever been able to earn for himself while outside. Even when the convict is sentenced to hard labor, the word "hard" need no longer excite unpleasant sensations. The crank and treadmill are abolished, and no prison labor is any harder than that performed by many an honest getter of wage-work outside.

And now comes the pertinent inquiry, What has been the outcome of all these sincere and unselfish attempts to benefit the criminal? The question can be too easily answered. We have done the criminal not one bit of good. We have not reformed him in the least degree. We have succeeded, perhaps, in making prison life a little more endurable while it lasts, but we turn the criminal out of prison, as a rule, something more of a criminal than he was when he entered it. The fact is sad but true that all the enthusiastic efforts of philanthropists to reform criminals, here in the United States, have resulted only in a melancholy waste of work. At least sixty per cent. of our criminals in all of our states come back again to the prison from which they have been discharged, and some of them return for the sixth and seventh time. Moreover, our criminal population is positively increasing in number every year. The statistics are appalling. True it is that our entire population is increasing in number, and some increase of crime might therefore be expected. But our criminals are increasing in a faster ratio than our increase of population,—a ratio which is not accounted for even by our vast immigration from the undesirable subjects of other countries. Look at the following figures, and ponder them well:—

In 1850, there were in the United States 6,737 criminals, or one in every 3,241 of the entire population.

In 1860, there were 17,086 criminals, or one in every 1,600.

In 1870, there were 32,901 criminals, or one in every 1,021.

In 1880, there were 59,258 criminals, or one in every 837 of the whole population.

There are now over 60,000 criminals in our various state prisons. It is a solemn fact that of the multitudes of people whom we daily meet upon our streets, more than one in every thousand has been or will be a "jail-bird" some time this year.

Must this increase continue?

If so, how long before our civilization completely breaks down beneath the load which it will have to carry?

That this increase is not necessary, and that something can be done to arrest it, is conclusively proven by the analagous statistics of other countries. In England, for instance, between the years 1864 and 1872, sentences to penal servitude fell off more than forty per cent. Between 1866 and 1878, in Denmark, the number of criminals was reduced one-half; and in 1875 one of the great reformatories of that country was closed on account of the great reduction in the number of prisoners.

Now, when we take into consideration the fact that the years first given in the above statistics of England and Denmark correspond with the introduction of a new system of prison discipline, it seems likely that one chief factor in accounting for the amazing difference between the criminal statistics of the United States and those

of the two countries mentioned is the existence in these last of an effective system of prison discipline. This likelihood is transformed into a certainty when we learn that this system really succeeds in reforming the criminal; whereas, in not one of the forty-five state prisons of the United States is there any such thing as a positive system of prison discipline. I am aware of the fact that in Pennsylvania there still exists a remnant of what is known as the solitary or cell system, but this is a dismal failure, and although still used in a great part of Europe, where it was borrowed from us, it does not reform, and reform is what we are after, and is what England, Ireland, and Denmark have shown us how to obtain.

A recent report from one of our fashionable prisons—that is, a prison with all the modern conveniences in cell and kitchen and workshop, where everything is precise and clean, and the men are kept in perfect subjection—dwells upon the fact, at the close of an enthusiastic description of this state machine, that 33 per cent. of the criminals discharged never return to the institution, so admirable is its management and so thorough the work of reform. I was obliged to read the report more than once before I understood that the statement of the number reformed was not written in satire. The writer seemed to be really delighted with a prison management which fails to reform at least 67 per cent. of its subjects, and can not tell what has become of the remaining 33 per cent. Put against these figures the positive fact that there are prisons in England and Ireland to which only 7 per cent. of those discharged ever come back, and, of the remaining 93 per cent., more than 80 per cent. are certainly known to be permanently reformed. The reason for this great difference between our own best prisons, upon the one hand, and those of England, Ireland and Scotland, upon the other, is something surely worthy of a little attention.

How do we discipline our criminals? When convicted and sentenced we simply shut them up, and then, after a time, we let them out. That is all, practically, that our discipline amounts to. In some prisons there is a pretense of instruction or education, but it is, for the most part, a mere pretense; and the so-called spiritual instruction, carried on by chaplains and visitors, is little better than a farce. But we set our criminals at work, do we not? Yes, but not at anything useful to them, not at anything which reforms the man or will help him to an honest living when he is discharged.

Our most lauded prisons are those which are self-supporting. This result is reached in every instance, I believe, by what is known as the contract system of labor. The state sells to the highest responsible bidder the labor of the prisoners for a certain sum each per day. The contractor of course must make a profit out of this labor, and, consequently, divides up his work in the way most beneficial to himself, as completely ignoring the physical, mental, and moral needs of the criminal as these needs are ignored by most corporations which employ free labor. By a minute subdivision of labor, reducing the work of each man to a very simple operation, the contractor can make the dullest criminal an expert workman, but of what benefit is this to the criminal? He may have learned, for instance, to file the heel of a boot, but he can not make a whole shoe or any one part of a shoe. And similarly with all other occupations. They are so arranged as to benefit the contractor, but do no more good to the criminal than the old-fashioned treadmill or crank. Indeed our prison labor is really, so far as moral effect is concerned, nothing but the crank and treadmill in a somewhat less brutal form. Mr. Eugene Smith relates, in the *Princeton Review* for March, 1880, that while visiting the Connecticut State Prison, at Wethersfield, he was particularly impressed with the appearance and history of one of the prisoners, a young man of twenty-five years of age, who had committed the crime of forgery and been sentenced for a long term of years. "The prisoner was standing at a table engaged in wrapping up planes in brown paper packages for the market; that was his occupation. Three years later I visited the prison again and saw the same prisoner; he was standing at the same table, with a pile of

planes and package of brown paper before him, employed at the same old task. Except that the prisoner had a few gray hairs and looked more haggard, the picture was as unchanged in every detail as if one day instead of three long years had intervened. It brought a vivid sense of the terrible continuity of a convict's life, and (what is more to the present purpose) the conception of a cruel wrong done to the prisoner. Is it possible for the human mind to sustain itself during successive years of such monotonous labor, with no diversion or respite or mental employment? Must not such a life inevitably crush and shatter the powers of thought as well as the spirit of a man? When that prisoner shall have served out his long term and returned to society, what useful accomplishment or manual skill will he have gained? will he not rather be turned adrift an utter wreck—ruined by the state?"

Leaving this vivid picture of what is now going on in our state prisons, and the dismal statistics which show only what is not done and what has not been accomplished, let us turn to what might be done and ought to be done—in fact, must be done—if we are to check the increase of our criminal population.

A simple illustration will put us on the straight road towards the solution of our problem. A man, we will suppose, in a crowded city, is suddenly taken ill with the small-pox. We are sorry for his misfortune, we pity him for the suffering before him and the danger he must encounter, but we seclude him from the rest of the community. Friend, relative, or stranger, our decision is the same. He must not be allowed to go free until all danger of infection from the disease is gone. To permit him to go at large would be no kindness to him, and would be an outrage upon everybody else. The application of this illustration to the criminal is evident. He is afflicted with a taint of blood dangerous to the entire community. We may pity him, but we must constrain him, must seclude him, must do so not only for his own good but for the safety and welfare of all whom he might contaminate. We must do this in obedience to the very first principle, and as many believe the only correct principle, of government—the protection of the governed against aggression or any other form of injustice. And we must seclude him, moreover, as in the case of the small-pox patient, until the disease is cured, and until all reasonable danger that he may infect others when set free is gone.

This reasoning brings us to the INDETERMINATE SENTENCE, the first necessity, as I believe, in any satisfactory and reformatory system of prison discipline. This means that the criminal must be sentenced without limit, and must be kept in confinement until his criminal propensities are destroyed. So far as society is concerned, the criminal is as dangerous as, in fact more dangerous than, the victim of a pestilence, and must be dealt with in the same way and for similar reasons. Let every person convicted of crime be sentenced for the minimum time now fixed for his offense, whatever it may be—for one year, or two years, or five years—*plus*—with the value of the plus quantity to be determined by the prisoner himself. He can reduce it to zero, or he may prolong it to the end of his life; but, in any case, it is to represent the length of time necessary to remove the criminal bias, to transform him into a well man morally, to change him from a vulture into a law-abiding citizen. We are to paraphrase the well known exhortation, Work out your own salvation! and change it for the criminal into the positive command, Work out your own freedom!

But how can this freedom be worked out? How can we know when the criminal is cured, and fit to be set free?

The answer to this question brings us to a consideration of the system of prison discipline originally conceived and applied by Captain Alexander Maconokie at Norfolk Island and Sir Walter Crofton in Ireland, now generally in force throughout England, Ireland and Scotland, and partially introduced by Mr. Z. R. Brockway in the Elmira Reformatory of New York.

The criminal, as a rule, is a very weak person. He is always weak morally and mentally, and very often weak physically besides. He has little power of application, not much will, has no industrial

habits, is fitful and lazy. He is deficient, in other words, in the qualities that enter into the make-up of a civilized being, or, if he have them, they are undeveloped. His whole nature is in an abnormal condition. A large part of crime is a survival of barbarism, and the criminal is often a barbarian, or even a savage, with the corresponding weaknesses of his immaturity. The heroic criminals of the popular novels are seldom found in jails. The kind of discipline needed therefore to develop this imperfect being into a more or less self-controlled, patiently laborious, and somewhat moral man, is hinted at in his organization. This discipline I will now outline.

The first step in the English and Irish systems is to impose upon the prisoner a period of solitary confinement. This solitude is or should be absolute. The prisoner is not allowed to converse with any one, or to see any friends, or to read any books, or to receive or write any letters. His diet is meagre; his clothing is coarse; his cell is uncomfortable; he is treated, in fact, with great rigor. And this solitary confinement is continued until he absolutely craves some form of human intercourse, until the sight of a friendly face or the sound of a human voice becomes an ardently longed-for boon. He thus acquires some idea of the value of human companionship, and becomes willing to submit to almost anything if he can but associate with his fellow men. For a part of this period, moreover, he is kept without any occupation, and, consequently, soon longs for something to do, something, no matter what, to break the fearful monotony and give employment to hands and mind. The privilege of labor is thus transformed into a blessing, instead of the curse which it had previously seemed to him, and the deprivation of labor is thenceforth a severe punishment.

This period of solitary confinement will ever after remain in the convict's memory as the most painful experience of his life, and the most hardened criminal, we are told, comes from his cell a changed man, more or less prepared for the next step in his reformation. This solitary confinement, according to English usage, lasts for nine months, but this arbitrary period is sometimes a mistake. It should be made longer or shorter, according to the needs of each one subjected to it, but should never be allowed to approach the limits of mental danger.

The next step is to take the convict from his cell and associate him with his fellow prisoners. The way in which this should be done is well told by Mr. Warner, in the *N. A. Review* for April, 1885, in his description of the methods employed by Mr. Brockway in the Elmira Reformatory. All the prisoners are graded, according to conduct, work, and scholarship, and are members of one of three classes. The convict is put first into an intermediate class, from which he can pass in either direction, up or down—down to solitary meals, lock-step walk, poorer food, motley uniform, more rigorous treatment in every respect; or up to meals in company, with the privilege of conversation, better food, better clothing, more privileges and less severe treatment in every particular, though never escaping from very strict discipline. His promotion or degradation is determined by the gain or loss of marks, as in our graded public schools. He is marked, first, for conduct. This is determined by his strict obedience to the prison rules, including those concerning walking, eating, dressing, washing, bed-making—everything, in fact, by which cheerful obedience and conformity to rule may be distinguished from disobedience and carelessness. He is marked, next, according to work in the prison shops. He must be diligent, attentive, work willingly and work well, in order to obtain the number of marks necessary to insure promotion. He is marked, next, for his school-room work, and his marks here are regulated very much as they might be in any well-disciplined school.

Here are three different systems of marks by which the prisoner must regulate himself. If he fails, as he generally does fail, when put into the intermediate class, down he goes into the third class with its attending discomforts and loss of privileges. From this class he can escape only as he works his own way up, only as he earns marks enough to take him into the class above. From this second or in-

termediate class, again, he can pass into the first class only as he earns a perfect report in all three of the departments of discipline; and from the first or highest class he can pass into freedom only when, for a certain time, he has been perfect in conduct, work and scholarship.

With the incentive of freedom always before them, most prisoners learn, sooner or later, that their only hope of obtaining it is to tread cheerfully and patiently the upward path of reform. There is no chance for hypocrisy or shirking, or success in any kind of trickery. The discipline is too searching. The prisoner soon learns that he is dealing with men who are smarter than he is; and although most of them go up and down many times in the course of their prison life, yet, ultimately, the larger proportion of them successfully work their way into freedom. And what is more, when these men have thus worked their way into freedom, *they never come back.* They are permanently reformed; they have been changed from criminals into orderly citizens, and remain so for the rest of life. More than 81 per cent. of the men discharged from the Elmira Reformatory are known to be permanently cured. A large part of the remaining 19 per cent. is also supposed to be reformed. Only a very small percentage, not more than 4 or 5, I believe, is really known to re-enter the ranks of the criminal class.

And these wonderful results are obtained, moreover, under a system admittedly imperfect. For, Elmira has no lengthy period of solitary confinement at the beginning, nor has it the inestimable advantage of genuine indeterminate sentences. A prisoner can greatly shorten his sentence at Elmira, reducing it even to six months when he has been sentenced for ten years, but, on the other hand, the managers cannot retain him beyond the maximum time now prescribed by law for his offense. They are thus forced to release men who should be longer retained. With the addition of a considerable solitary confinement and of indeterminate sentences to their present system, very few indeed of the graduates of this institution would ever appear a second time in our criminal courts.

In the above account I have given only the barest outlines of the complete system, and only a hint of the many instrumentalities made use of to develop the physical, mental, and moral qualities necessary to transform the criminal into a useful man. In the different classes he is instructed with great care; he is gradually brought to understand his duties to society; he is taught the rudiments of a good education, if previously deficient; he is engaged in the discussion of moral, literary, and historical subjects; his ambition is awakened; his self-respect is appealed to; his self-reliance is cultivated; he acquires regularity of life, and ability to perform steady work. The discipline is severe, as it ought to be, but it is always just, and the criminal learns to look upon it in this light. The whole system is one of genuine character building, wholesome and thorough, and no one who has investigated it need wonder at its great success. And this, or something analogous to it, is the system which ought to be established all over the United States.

It is of the utmost importance in any good system of prison discipline that the criminal should be quickly taught that the state can not afford to support him in idleness. He must earn his own living, pay for his board and clothing and schooling, and the legitimate expenses of his trial and conviction. Everything furnished him should be charged up against him, and the cancelling of this indebtedness should be one condition of his release. This is only a measure of right, the justice of the enforcement of which is soon recognized by the criminal. Beyond the amount necessary to pay his indebtedness to the state, it is a question if the criminal should not be allowed to earn money for himself. This could be held in trust; for the benefit of his family, if he have one, or to be used as a reserve fund for his own benefit to a limited extent while in prison, or to establish him in some occupation when released. Prisoners will work more diligently, experiment has already determined, under the stimulus of knowing that a part of the proceeds of their labor will be given to themselves.

As regards the kind of labor possible in prisons, I have no doubt that the contract

system, the present favorite in most prisons, should be abolished. Some of its imperfections have already been mentioned. But there are others as bad. The contractor's agents, for instance, who are appointed to teach the prisoners their work, have no interest in the criminal's reformation. Their aim is to get as much work as possible out of each man. They are often men of bad character, and then, of course, such influence as they do exert is harmful. They sometimes act, also, as go-betweens from the criminal to friends outside, and in many other ways interfere with beneficial discipline. Contract prison labor, again, is injurious to free labor. At Auburn, for instance, are made one-fifth of the iron axles used in the United States. At Sing Sing are made one-fourth of the felt hats sold in New York, and, in 1878, in the same prison, 900 men were making stoves—an interference with the stove trade of the whole country. This prison labor is unfair to outside laborers because the average price paid for prison labor is only fifty cents, and for this sum the contractor receives what is really worth at least one dollar, sometimes two or three dollars, thus giving him an unfair advantage over other manufacturers. The fact that the labor is nominally sold to the highest bidder is not an answer to the charge of unfairness, for the original contractor, after the first year, has the advantage of a large plant already established, and can thus underbid all competitors. A prison contract, once obtained, becomes practically a monopoly which makes the contractor rich. Another objection is that the state should receive the dollar or more which the labor of the criminal is really worth, and not compel free labor to pay, by tax, for the criminal's support and the advantage of a contractor's pocket, the difference between this dollar and the fifty cents which the state receives. Piece work under state superintendence would do away with most of the present objections against prison labor; or the criminals might be employed on work for which the state would be chief customer. Practical means of escape from the contract system can be readily found; but, in spite of the objections against it, it should be retained until something better can be substituted. Only mischief can result from any attempt, such as was recently made in Michigan, to abolish it without putting something better in its place.*

Another hindrance to prison reform at present is the pardoning power of the state governors. This should be abolished, except perhaps in the few cases in which a convict is subsequently shown to be innocent of the crime charged. Criminals must feel positive assurance that any escape from prison is hopeless unless earned by themselves. Whether freedom has been fairly earned or no is a question which should not be left to the judgment of any one person. But most states have a board of corrections and charities, or some analogous body, on which might be conferred the power of deciding, always in connection with the warden of the prison, when a criminal had fairly earned his right to freedom.

No criminal should be released, however, until some provision is made for his immediate future. This is always done at Elmira, and is an essential feature of the British system. The prisoner's first freedom should be given him only on probation or by "ticket of leave," so that he may be returned to prison without trial in case of departure from rectitude.

The various reforms demanded in prison discipline in this country may now be summed up as follows:—

1. Indeterminate sentences.
2. Abolition of the contract system of labor.
3. The establishment of a discipline analogous to that now in operation in Great Britain and at Elmira.

To these three may be added as certainly desirable if not of chief importance (4) The abolition of the pardoning power, (5) Provision for the prisoner after discharge, (6) Release on probation,

* In England the convicts are all employed on public works. They quarry stone, build breakwaters, docks, batteries, forts, barracks, magazines, hospitals, prison buildings, etc. "In all cases the bricks have been made, the stone quarried and dressed, the timber sawn, the iron cast, forged aud wrought by the prisoners. The great merit of this system is the skill acquired in handicraft by so many otherwise idle and useless hands."

and (7) Divorce between prison management and party politics.*

The above reforms may well keep philanthropists busy for some years to come, but, on grounds of economy and policy they are commended to the attention of all politicians and tax-payers as well. They are not chimerical; they are not mere theories; they are not the result of sentimental desires; they are the results of experience; they are practical; and they are necessary.

One point remains to be briefly considered. If such a system of reform were adopted, there are a few criminals, a very few, perhaps, but still a few, who would be condemned to remain in prison for the term of their natural lives, as any reformation of them, whatever the method employed, seems hopeless. Maudsley, Dugdale, Henderson, and others, have called our attention to the existence of a class of hereditary criminals, who appear to be without sufficient will or moral sense or intelligence to keep them from crime. They seem to have an ineradicable taint of blood. "In consequence of evil ancestral influences individuals are born with such a flaw or warp of nature that all the care in the world will not prevent them from being vicious or criminal or becoming insane." If this unfortunate class really exists what can be better for its members than incarceration under wholesome restraint during life? That, at least, would prevent them from preying upon society, and, better still, would prevent the propagation of similar beings. Who that has read the melancholy story of "The Mother of Criminals" has not reflected upon the benefits that might have resulted had that single unfortunate being been kept from inflicting upon the world the several hundred criminals who are now her ill-begotten brood! The indeterminate sentence would save society from the multiplying ills of a tainted race whose lives can be but a curse to themselves and a pest to all others. If they have children the boys become thieves, tramps, drunkards, and murderers, and the girls become prostitutes. In the name of mercy as well as of justice, let their generations be few!

The aim of this paper is only to call attention to the great necessity for the establishment of a better system of prison discipline, and to indicate the nature of the reforms demanded. A full treatment of the criminal question has not been attempted. This would require something to be said upon many different topics—our county jails; the classification of prisoners; reformatories for boys and girls; the laws upon our statute books which ought to be repealed because they are manufacturing criminals for our prisons; the education of children, etc. But I shall be more than satisfied if what has been here presented furnishes food for serious reflection and candid discussion.

* Maconokie's system at Norfolk Island was wholly broken up by his recall, due to party politics. It may not be amiss to say here that Maconokie introduced also a system of class marking, by which each class as a whole became responsible for the conduct of every member of the class. The convicts thus became guardians of one another. The practical result is said to have been very excellent.

Our "Church-Door Pulpit" hints its purpose in its name. It aims to furnish fortnightly a transfigured tract,—transfigured by being paid for, and by representing not so much a given system of beliefs as the emphasis, in somewhat varying beliefs, on "Freedom, Fellowship and Character in Religion;" this tract to be taken from the rack or table at the church-door to the home, there to serve its little mission by reading in the family, lending to a neighbor, mailing to a distant friend, etc. The choice of subject is left to the writers, and *each writer is responsible for his own utterance alone, and for nothing else in the series.*

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